

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION**

DOMINIC GREGORY AMALFITANO,

Petitioner,

v.

Case No. 8:21-cv-2768-WFJ-SPF
Crim. Case No. 8:17-cr-592-WFJ-SPF

UNITED STATES OF AMERICA,

Respondent.

_____ /

ORDER

Petitioner Dominic Gregory Amalfitano moves (Civ. Doc. 15) for reconsideration of an earlier order (Civ. Doc. 14) denying his motion (Civ. Doc. 9) for disclosure of, or alternatively, to view in camera, the grand jury testimony of the arresting agents in his criminal case. He argued such testimony is necessary to support his motion (Civ. Doc. 1) to vacate, set aside, or correct his sentence under 28 U.S.C. § 2255. In denying the motion, the Court ruled that Mr. Amalfitano failed to demonstrate a compelling, particularized need for the testimony and that his request was not structured to cover only necessary testimony.

Mr. Amalfitano fails to specify whether he moves for reconsideration under Rule 59(e) or Rule 60(b) of the Federal Rules of Civil Procedure. Nevertheless, the motion lacks merit under either rule. A motion to reconsider is justified if there is: “(1) an intervening change in controlling law; (2) the availability of new evidence; [or] (3)

the need to correct clear error or to prevent manifest injustice.” *United States v. Harris*, No. 2:17-cr-78-FtM-38NPM, 2020 WL 2615530, at *1 (M.D. Fla. May 22, 2020) (quoting *Lamar Adver. of Mobile, Inc. v. City of Lakeland, Fla.*, 189 F.R.D. 480, 489 (M.D. Fla. 1999)). A motion for reconsideration “may not be used to present the court with arguments already heard and dismissed or to repackage familiar arguments to test whether the court will change its mind.” *Brinson v. United States*, No. 1:04-cr-0128-01-RWS, 2009 WL 2058168, at *1 (N.D. Ga. July 14, 2009) (internal quotations omitted).

Mr. Amalfitano simply repeats arguments that the Court already considered and rejected. He offers no basis for the Court to reconsider its ruling. Accordingly, the Motion for Reconsideration (Civ. Doc. 15) is **DENIED**.

ORDERED in Tampa, Florida, on May 3, 2022.



WILLIAM F. JUNG
UNITED STATES DISTRICT JUDGE

COPIES FURNISHED TO:

Counsel of record and Plaintiff, *pro se*